

**10th meeting of the High Contracting Parties to the Hague Convention
UNESCO, Monday 16 December 2013**

**Mutual Presentation of Cyprus and the Netherlands
on the return of 4 icons from the Netherlands to Cyprus
under the Protocol of the Hague Convention of 1954**

The Netherlands:

On 18 September 2013, the Director General of Culture and Media of the Netherlands officially handed over four icons to the Ambassador of Cyprus. At this ceremony, which took place at the Ministry of Culture in The Hague, representatives of the Dutch and Cypriot governments, as well as the Greek Orthodox Church were present.



It was the first time the Netherlands returned cultural property under the First Protocol to the Hague Convention. It also appeared to be the first time a cultural property was returned under this Protocol in the world.

Cyprus:

The Republic of Cyprus and the Cyprus people wish to express their deep gratitude to the Dutch authorities, particularly the Ministry of Education, Culture and Science of the Netherlands, for their positive reaction with respect to the request formulated by the Republic of Cyprus for the repatriation of four icons of the Church of Christ Antiphonitis. Beyond the positive response and the great cooperation of the Dutch authorities throughout the proceedings, Cyprus acknowledges and welcomes the very important legislative measures that the Netherlands have taken to enhance the protection of cultural property from occupied territories. This also reaffirms the need to respect the provisions of the Hague Convention of 1954 and its Protocols by all contracting States.

The Government of Cyprus considers that cooperation between States in order to preserve cultural property in their context and original setting is of paramount importance, and the repatriation of these four icons is an emblematic example of this cooperation.

Icons of the Church of the Antiphonitis, Kalograia



Icon 1 Saint Mark

Icon 2 Saint Peter

Icon 3 Saint John

Icon 4 Saint Paul



The four ecclesiastical icons were returned to Cyprus by the Netherlands on 20 September 2013. They belong to the Church of Christ Antiphonitis located in the village of Kalograia (District of Keryneia), ie in an area of Cyprus that is not under the effective control of the Government of the Republic of Cyprus.



The church was built during the Byzantine period in the late 12th century, and was later modified in the 15th century.



The beautiful murals of unique artistic value and historical significance that decorated its interior were well preserved until 1974.



Before 1974



After 1974



Before 1974

However, following the events of 1974, most of these murals were cut into pieces, and the icons as well as the doors of the sanctuary were removed. A number of fragments of wall paintings stolen were located in Germany, and were repatriated in November 2013.



Among the missing icons of the Antiphonitis church, there are the wood carved icons of the iconostasis.



Four icons representing the Evangelists John and Mark, and the Apostles Peter and Paul, dating from the 16th century, were found in May 1995. They were in the possession of a Dutch citizen who had bought them from a collector shortly after the invasion of 1974. These icons were attributed to the painter Lutzios Eikonografos. The Church of Cyprus, as the owner of the icons and under the provisions of the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict and its Protocol of 1954, brought an action before the court of Rotterdam in 1995 to request repatriation.

Repatriation of the 4 icons

The icons were packed and repatriated to Cyprus on 20 September 2013.



They are currently on display at the Byzantine Museum of the Archbishop Makarios Foundation in Nicosia, where a repatriation ceremony was held on 24 September 2013. However, their journey will only end when they finally occupy their original and rightful place in the iconostasis of the Church of Antiphonitis.

Continuation of the intervention of the Netherlands:

The restitution was the conclusion of a long process that had started in May 2011 with a request from the Minister of Culture of Cyprus to the Minister of Culture of the Netherlands for the return of the four icons. At that moment these icons were in private possession.

The letter of the Minister of Culture of Cyprus did not come as a surprise. The requested objects had already been subject to a civil court case in the Netherlands in the 1990's. At that time the judges concluded that on the basis of the existing law of the Netherlands, the icons could not be returned under civil law. The international legislation on which a return could be based, the First Protocol to the Hague Convention of UNESCO, did not have a direct binding effect on Dutch citizens.

This was an eye-opener for the Dutch government. The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and both its Protocols were established in 1954 and 1999, in The Hague, where the Government is based. At Peace Conferences in 1899 and 1907 in this city the Netherlands, together with the international community, had pleaded for provisions for the safeguarding of cultural property during an armed conflict in this city.

The Hague Convention was a reaction to what had happened in the Second World War. Not only had people been killed by bombs and warfare, but buildings, monuments and churches were also severely damaged on both sides of the battlefield. From the allied countries, works of art were looted systematically. In the chaotic situation after the war, works of art were taken to third places as war trophies.

Having experienced this, the Netherlands became one of the frontrunners in establishing the international standard-setting instruments which protect cultural property in times of conflict. As a consequence, when it appeared ten years ago that the Dutch law was inadequate in this respect, the Dutch Government found it of utmost importance to repair this omission. This resulted in the Cultural Property Originating from Occupied Territory (Return) Act of 2007.

Interestingly, in the Explanatory Memorandum to the Act, the case of the Cypriot icons was described as the immediate reason for its establishment. In the Act rules and regulations are established for cases when cultural property originating from an occupied territory is imported into the Netherlands, or is in one's possession in the Netherlands; this is forbidden. It has clauses on the taking into custody of such cultural property, the indemnification or compensation of a possessor or owner in good faith who has to be expropriated, as well as measures of control. This Act is applicable to cases which have occurred from the date of the entry into force of the Hague Convention and Protocol for the Kingdom of the Netherlands in 1959. Both the Act and the Explanatory Memorandum can be found in UNESCO's database of national cultural heritage laws.

The Explanatory Memorandum also clarifies that the return of the icons might not remain exclusive. Parties to armed conflicts in Iraq, Libya, Mali, and Syria, do not spare cultural heritage. The chaotic circumstances give looters a chance to illicitly export cultural goods to neighboring countries and further to interested markets.

The Dutch Customs and the Cultural Heritage Inspectorate follow these developments closely and monitor suspicious shipments. Alerts from UNESCO and Interpol are used and circulated as widely as possible.

At the ceremony of the transfer of the icons the Director General highlighted questions such as: Why has the international community made all these efforts? Why should these icons be

returned? Why do we think this is so important? The answer is that cultural goods are connected to a country, to people, to their history. The presence of the Ambassador of Cyprus and the representatives of the Greek orthodox church of Cyprus at the ceremony demonstrated how these depictions of the four Evangelists are of value to them, to Cyprus, to their church and to the citizens of Cyprus.

To sum up, the Kingdom of the Netherlands reacted positively to the request from the Republic of Cyprus. The return of the icons was the first return of the Netherlands under the First Protocol, and appeared to be the first in the world.